



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1195/V

FFK:nwn:ph

stays

In - 2-18-11

done

DOA:.....Skwarczek, BB0262 - Transfer the food stamp program from DHS to DCF

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

do NOT gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Under current law, DHS administers the Supplemental Nutrition Assistance Program, formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible low-income individuals and families receive cash assistance to purchase food. This bill transfers the administration of FoodShare to DCF on January 1, 2013. This bill also updates terminology related to the former food stamp program to be consistent with current federal law.

*Autoref 1*  
**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 2 SECTION (1) 16.27 (5) (c) of the statutes is amended to read:
- 3 16.27 (5) (c) A household entirely composed of persons receiving aid to families
- 4 with dependent children under s. 49.19, ~~food stamps~~ supplemental nutrition

as affected by 2011 Wisconsin Act ...  
(this act)

1 assistance program benefits under 7 USC 2011 to 2036, or supplemental security  
2 income or state supplemental payments under 42 USC 1381 to 1383c or s. ~~49.77~~ <sup>49.39</sup> ← PLAIN

3 **SECTION 2.** 16.27 (5) (e) of the statutes is amended to read:

4 16.27 (5) (e) A household that is not eligible under par. (c) that includes at least  
5 one person who is eligible for ~~food stamps~~ supplemental nutrition assistance  
6 program benefits under 7 USC 2011 to 2036, excluding any household in an  
7 institution, as defined by the department of health services by rule.  
8 Notwithstanding sub. (6), a household under this paragraph shall be eligible for a  
9 heating assistance benefit of not more than \$1.

10 **SECTION 3.** 20.435 (4) (bm) of the statutes is amended to read:

11 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*  
12 *administration; contract costs; insurer reports; and resource centers.* Biennially, the  
13 amounts in the schedule to provide a portion of the state share of administrative  
14 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the  
15 Badger Care health care program under s. 49.665 ~~and to provide the state share of~~  
16 ~~administrative costs for the food stamp program under s. 49.79~~, other than payments  
17 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement  
18 a registry of recipient immunizations, to reimburse 3rd parties for their costs under  
19 s. 49.475, for costs associated with outreach activities, for state administration of  
20 state supplemental grants to supplemental security income recipients under s.  
21 49.77, to administer the pharmacy benefits purchasing pool under s. 146.45, and for  
22 services of resource centers under s. 46.283. No state positions may be funded in the  
23 department of health services from this appropriation, except positions for the  
24 performance of duties under a contract in effect before January 1, 1987, related to  
25 the administration of the Medical Assistance program between the subunit of the

department primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 4.** 20.435 (4) (bn) of the statutes is amended to read:

20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule for funeral expenses under s. 49.785, for administration of the food stamp employment and training program under s. 49.79 (9), for the performance of income maintenance administrative activities on behalf of a local entity, as defined in s. 30.77 (3) (dm) 1. b., and for payments under s. 49.78 (8) relating to the administration of the Medical Assistance program under subch. IV of ch. 49, the Badger Care health care program under s. 49.665, the food stamp program, and the cemetery, funeral, and burial expenses program under s. 49.785.

**SECTION 5.** 20.435 (4) (L) of the statutes is amended to read:

20.435 (4) (L) *Fraud and error reduction.* All moneys received as the state's share of the recovery of overpayments and incorrect payments under ss. 49.497 (1) and (1m), 49.793 (2) (a), and 49.847, all moneys received from counties and tribal governing bodies as a result of any error reduction activities under ss. 49.197 and 49.845, and all moneys credited to this appropriation account under ss. 49.497 (2) (b), 49.793 (2) (b), and 49.847 (3) (b), for any contracts under s. 49.197 (5), and for any activities to reduce error and fraud under s. 49.845, ~~to pay federal sanctions under the food stamp program, and for food stamp reinvestment activities under~~

1 ~~reinvestment agreements with the federal department of agriculture that are~~  
2 ~~designed to improve the food stamp program.~~

3 **SECTION 6.** 20.435 (4) (nn) of the statutes is amended to read:

4 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the  
5 federal government for the costs of contracting for the administration of the Medical  
6 Assistance program under subch. IV of ch. 49 and the Badger Care health care  
7 program under s. 49.665 ~~and the food stamp program~~, other than moneys received  
8 under par. (pa), for payments under s. 49.78 (8).

9 **SECTION 7.** 20.435 (4) (pa) of the statutes is amended to read:

10 20.435 (4) (pa) *Federal aid; Medical Assistance ~~and food stamp~~ contracts*  
11 *administration.* All federal moneys received for the federal share of the cost of  
12 contracting for payment and services administration and reporting, other than  
13 moneys received under par. (nn), to reimburse 3rd parties for their costs under s.  
14 49.475, ~~for administrative contract costs for the food stamp program under s. 49.79,~~  
15 and for services of resource centers under s. 46.283.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 8.** 20.435 (4) (pv) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 9.** 20.437 (2) (bm) of the statutes is created to read:

18 20.437 (2) (bm) *Supplemental nutrition assistance program administration.*  
19 Biennially, the amounts in the schedule to provide the state share of administrative  
20 costs for the supplemental nutrition assistance program under s. 49.37, including  
21 the supplemental nutrition assistance employment and training program under s.  
22 49.37 (9).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 10.** 20.437 (2) (L) of the statutes is amended to read:

2       20.437 (2) (L) *Public assistance overpayment recovery, fraud investigation, and*  
3 *error reduction.* All moneys received as the state's share of the recovery of  
4 overpayments and incorrect payments under s. 49.191 (3) (c), 1997 stats., and s.  
5 49.195, 1997 stats., and s. 49.373 (2) (a), all moneys received from counties and tribal  
6 governing bodies as a result of error reduction activities under ss. 49.197 and 49.845,  
7 and all moneys credited to this appropriation account under s. 49.373 (2) (b), for any  
8 contracts under s. 49.845 (4), for any activities under s. 49.197 (1m) to investigate  
9 fraud relating to the Aid to Families with Dependent Children program, the  
10 supplemental nutrition assistance program, and the Wisconsin Works program, for  
11 any activities under s. 49.197 (3) to reduce payment errors in the supplemental  
12 nutrition assistance program and the Wisconsin Works program, and for costs  
13 associated with collection of public assistance overpayments, to pay federal  
14 sanctions under the supplemental nutrition assistance program, and for  
15 supplemental nutrition assistance program reinvestment activities under  
16 reinvestment agreements with the federal department of agriculture that are  
17 designed to improve the supplemental nutrition assistance program.

18       **SECTION 11.** 20.437 (2) (nn) of the statutes is amended to read:

19       20.437 (2) (nn) *Federal ~~program operations aid~~; supplemental nutrition*  
20 *assistance program administration.* All moneys received from the federal  
21 government ~~or any of its agencies for the state for~~ administration of continuing  
22 programs the supplemental nutrition assistance program under s. 49.37 to be  
23 expended for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 12. 20.437 (2) (pv) of the statutes is amended to read:

2 20.437 (2) (pv) *Electronic benefits transfer*. All moneys received from the  
3 federal government for the electronic transfer of benefits administered by the  
4 department of children and families, including the supplemental nutrition  
5 assistance program under 7 USC 2011 to 2036, to be expended for the purposes  
6 specified. Estimated disbursements under this paragraph shall not be included in  
7 the schedule under s. 20.005.

8 SECTION 13. 46.215 (1) (k) of the statutes is amended to read:

9 46.215 (1) (k) Certify eligibility for and issue ~~food coupons~~ benefits to needy  
10 households in conformity with the federal ~~food stamp act of 1964~~ supplemental  
11 nutrition assistance program under 7 USC 2011 to 2036, as amended, and, in  
12 addition, the county department of social services may certify eligibility for and  
13 distribute surplus commodities and food stuffs.

14 SECTION 14. 46.22 (1) (b) 2. d. of the statutes is amended to read:

15 46.22 (1) (b) 2. d. To certify eligibility for and issue ~~food coupons~~ supplemental  
16 nutrition assistance program benefits to needy households in conformity with 7 USC  
17 2011 to 2029 2036.

18 SECTION 15. 46.283 (3) (k) of the statutes is amended to read:

19 46.283 (3) (k) A determination of eligibility for state supplemental payments  
20 under s. <sup>49.77</sup> ~~49.77~~, medical assistance under s. 49.46, 49.468, 49.47, or 49.471, or the  
21 federal ~~food stamp~~ <sup>49.39</sup> supplemental nutrition assistance program under 7 USC 2011 to  
22 2029 2036.

23 SECTION 16. 48.685 (5) (br) 5. of the statutes is amended to read:

1           48.685 (5) (br) 5. An offense involving fraudulent activity as a participant in  
2           the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of  
3           a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent  
4           children under s. 49.19, medical assistance under subch. IV of ch. 49, ~~food stamps~~  
5           benefits under the ~~food stamp~~ supplemental nutrition assistance program under 7  
6           USC 2011 to 2036, supplemental security income payments under s. 49.77, <sup>2009 stats., or s. 49.39,</sup> payments  
7           for the support of children of supplemental security income recipients under s.  
8           49.775, <sup>2009 stats., or s. 49.39,</sup> or health care benefits under the Badger Care health care program under s.  
9           49.665.

Ins →  
7-9 10           **SECTION 17.** 49.131 (3) of the statutes is amended to read:

11           49.131 (3) The Except as provided in s. 49.377 (2), the department may not  
12           require a county or tribal governing body to participate in an electronic benefit  
13           transfer system under this section if the costs to the county or tribal governing body  
14           would be greater than the costs that the county or tribal governing body would incur  
15           in delivering the benefits through a system that is not an electronic benefit transfer  
16           system.

17           **SECTION 18.** 49.141 (7) (c) 3. of the statutes is amended to read:

18           49.141 (7) (c) 3. Fraudulently misstating or misrepresenting his or her identity  
19           or place of residence for the purpose of receiving simultaneously in this state and at  
20           least one other state benefits under the federal ~~food stamp~~ supplemental nutrition  
21           assistance program under 7 USC 2011 to 2029 2036.

22           **SECTION 19.** 49.143 (2) (d) of the statutes is amended to read:

23           49.143 (2) (d) If the Wisconsin ~~works~~ Works agency is not a county department  
24           under s. 46.215, 46.22 or 46.23 or tribal governing body, cooperate with the county  
25           department or tribal governing body to ensure that services delivered under

1 Wisconsin ~~works~~ Works, the ~~food stamp~~ supplemental nutrition assistance program  
2 and medical assistance are coordinated with the county or tribal governing body in  
3 a manner that most effectively serves the recipients of those services.

4 SECTION 20. 49.155 (1m) (a) 3m. of the statutes is amended to read:

5 49.155 (1m) (a) 3m. Participate in a job search or work experience component  
6 of the ~~food stamp~~ supplemental nutrition assistance employment and training  
7 program under s. ~~49.79 (9)~~ 49.37 (9).

8 SECTION 21. 49.159 (2) of the statutes is amended to read:

9 49.159 (2) MINOR CUSTODIAL PARENTS; FINANCIAL AND EMPLOYMENT COUNSELING.  
10 A custodial parent who is under the age of 18 is eligible, regardless of that  
11 individual's or that individual's parent's income or assets, to meet with a financial  
12 and employment planner. The financial and employment planner may provide the  
13 individual with information regarding Wisconsin ~~works~~ Works eligibility, available  
14 child care services, employment and financial planning, family planning services, as  
15 defined in s. 253.07 (1) (b), community resources, eligibility for ~~food stamps~~ the  
16 supplemental nutrition assistance program, and other food and nutrition programs.

17 SECTION 22. 49.173 (3) (a) 2. of the statutes is amended to read:

18 49.173 (3) (a) 2. ~~Food stamp~~ Supplemental nutrition assistance employment  
19 and training.

Ins 8-19 → 20 SECTION 23. 49.197 (1m) of the statutes is amended to read:

21 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)  
22 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program  
23 to investigate suspected fraudulent activity on the part of recipients of aid to families  
24 with dependent children under s. 49.19, on the part of recipients of benefits under  
25 the supplemental nutrition assistance program under 7 USC 2011 to 2036, on the



1 part of participants in the Wisconsin Works program under ss. 49.141 to 49.161, and  
2 if the department of health services contracts with the department under sub. (5),  
3 on the part of recipients of medical assistance under subch. IV, ~~food stamp benefits~~  
4 ~~under the food stamp program under 7 USC 2011 to 2036~~, supplemental security  
5 income payments under s. 49.77, payments for the support of children of  
6 supplemental security income recipients under s. 49.775, and health care benefits  
7 under the Badger Care health care program under s. 49.665. The department's  
8 activities under this subsection may include, but are not limited to, comparisons of  
9 information provided to the department by an applicant and information provided  
10 by the applicant to other federal, state, and local agencies, development of an  
11 advisory welfare investigation prosecution standard, and provision of funds to  
12 county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works  
13 agencies to encourage activities to detect fraud. The department shall cooperate  
14 with district attorneys regarding fraud prosecutions.

15 **SECTION 24.** 49.197 (3) of the statutes is amended to read:

16 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
17 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161  
18 and the supplemental nutrition assistance program under 7 USC 2011 to 2036 and,  
19 if the department of health services contracts with the department under sub. (5),  
20 the Medical Assistance program under subch. IV, ~~the food stamp program under 7~~  
21 ~~USC 2011 to 2036~~, the supplemental security income payments program under s.  
22 49.77, the program providing payments for the support of children of supplemental  
23 security income recipients under s. 49.775, and the Badger Care health care program  
24 under s. 49.665.

25 **SECTION 25.** 49.197 (4) of the statutes is amended to read:

1       49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health  
2       services contracts with the department under sub. (5), the department shall provide  
3       funds from the appropriation under s. 20.437 (2) (kx) to counties and governing  
4       bodies of federally recognized American Indian tribes administering Medical  
5       Assistance under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, the  
6       supplemental security income payments program under s. 49.77, the program  
7       providing payments for the support of children of supplemental security income  
8       recipients under s. 49.775, and the Badger Care health care program under s. 49.665  
9       to offset administrative costs of reducing payment errors in those programs.

10       **SECTION 26.** 49.197 (5) of the statutes is amended to read:

11       49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE, ~~FOOD STAMPS~~, SUPPLEMENTAL  
12       SECURITY INCOME, AND CARETAKER SUPPLEMENT. Notwithstanding s. 49.845 (1) and (2),  
13       the department of health services may contract with the department to investigate  
14       suspected fraudulent activity on the part of recipients of medical assistance under  
15       subch. IV, ~~food stamp benefits under the food stamp program under 7 USC 2011 to~~  
16       ~~2036~~, supplemental security income payments under s. 49.77, payments for the  
17       support of children of supplemental security income recipients under s. 49.775, and  
18       health care benefits under the Badger Care health care program under s. 49.665 and  
19       to conduct activities to reduce payment errors in the Medical Assistance program  
20       under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, the  
21       supplemental security income payments program under s. 49.77, the program  
22       providing payments for the support of children of supplemental security income  
23       recipients under s. 49.775, and the Badger Care health care program under s. 49.665,  
24       as provided in this section.

25       **SECTION 27.** 49.22 (6) of the statutes is amended to read:

1           49.22 (6) The department shall establish, pursuant to federal and state laws,  
2 rules and regulations, a uniform system of fees for services provided under this  
3 section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471;  
4 benefits under s. 49.148, 49.155, or ~~49.79~~ 49.37; foster care maintenance payments  
5 under 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or  
6 long-term kinship care payments under s. 48.57 (3n). The system of fees may take  
7 into account an individual's ability to pay. Any fee paid and collected under this  
8 subsection may be retained by the county providing the service except for the fee  
9 specified in 42 USC 653 (e) (2) for federal parent locator services.

10           **SECTION 28.** 49.32 (7) (b) of the statutes is amended to read:

11           49.32 (7) (b) The department shall conduct a program to periodically match the  
12 records of recipients of aid to families with dependent children under s. 49.19 and  
13 recipients of benefits under the supplemental nutrition assistance program under 7  
14 USC 2011 to 2036 and, if the department of health services contracts with the  
15 department under s. 49.197 (5), recipients of medical assistance under subch. IV and  
16 food stamp benefits under the food stamp program under 7 USC 2011 to 2036 with  
17 the records of recipients under those programs in other states. If an agreement with  
18 the other states can be obtained, matches with records of states contiguous to this  
19 state shall be conducted at least annually.

20           **SECTION 29.** 49.32 (7) (c) of the statutes is amended to read:

21           49.32 (7) (c) The department shall conduct a program to periodically ~~match~~  
22 review the address records of recipients of aid to families with dependent children  
23 under s. 49.19 and recipients of benefits under the supplemental nutrition assistance  
24 program under 7 USC 2011 to 2036 and, if the department of health services  
25 contracts with the department under s. 49.197 (5), recipients of medical assistance

1 under subch. IV ~~and food stamp benefits under the food stamp program under 7 USC~~  
2 ~~2011 to 2036~~ to verify residency and to identify recipients receiving duplicate or  
3 fraudulent payments.

4 **SECTION 30.** 49.32 (7) (d) of the statutes is amended to read:

5 49.32 (7) (d) The department, with assistance from the department of  
6 corrections, shall conduct a program to periodically match the records of persons  
7 confined in state correctional facilities with the records of recipients of aid to families  
8 with dependent children under s. 49.19 and benefits under the supplemental  
9 nutrition assistance program under 7 USC 2011 to 2036 and, if the department of  
10 health services contracts with the department under s. 49.197 (5), recipients of  
11 medical assistance under subch. IV ~~and food stamp benefits under the food stamp~~  
12 ~~program under 7 USC 2011 to 2036~~ to identify recipients who may be ineligible for  
13 benefits.

14 **SECTION 31.** 49.32 (10) (a) (intro.) of the statutes is amended to read:

15 49.32 (10) (a) (intro.) Each county department under s. 46.215, 46.22, or 46.23  
16 may release the current address of a recipient of ~~food stamps~~ supplemental nutrition  
17 assistance program benefits under s. 49.37 or of aid under s. 49.19, and each  
18 Wisconsin works agency may release the current address of a participant in  
19 Wisconsin works under ss. 49.141 to 49.161, to a law enforcement officer if the officer  
20 meets all of the following conditions:

21 **SECTION 32.** 49.37 (1m) of the statutes is created to read:

22 49.37 (1m) ADMINISTRATION BY DEPARTMENT. The department shall administer,  
23 and may enter into contracts for the administration of, the supplemental nutrition  
24 assistance program in this state. Administration of the supplemental nutrition  
25 assistance program includes all of the following:

1 (a) Receiving applications.

2 (b) Determining eligibility.

3 (c) Conducting fraud investigation and fraud prevention activities.

4 (d) Implementing error reduction procedures.

5 (e) Recovering overpayments of benefits.

6 **SECTION 33.** 49.78 (1) (b) of the statutes is amended to read:

7 49.78 (1) (b) "Income maintenance program" means the Medical Assistance  
8 program under subch. IV of ch. 49, the Badger Care health care program under s.  
9 49.665, ~~the food stamp program under 7 USC 2011 to 2036,~~ or the cemetery, funeral,  
10 and burial expenses program under s. 49.785.

11 **SECTION 34.** 49.79 (title) of the statutes is renumbered 49.37 (title) and  
12 amended to read:

13 **49.37 (title) Food stamp Supplemental nutrition assistance program**  
14 **administration.**

15 **SECTION 35.** 49.79 (1) (intro.) of the statutes is renumbered 49.37 (1) (intro.).

16 **SECTION 36.** 49.79 (1) (a) of the statutes is renumbered 49.37 (1) (a).

17 **SECTION 37.** 49.79 (1) (c) of the statutes is renumbered 49.37 (1) (f) and  
18 amended to read:

19 49.37 (1) (f) ~~"Food stamp program~~ **Supplemental nutrition assistance program**"  
20 means the federal ~~food stamp~~ **supplemental nutrition assistance** program under 7  
21 USC 2011 to 2036.

22 **SECTION 38.** 49.79 (1) (f) of the statutes is renumbered 49.37 (1) (c).

23 **SECTION 39.** 49.79 (1) (g) of the statutes is renumbered 49.37 (1) (g).

24 **SECTION 40.** 49.79 (2) of the statutes is renumbered 49.37 (2) and amended to  
25 read:

1           49.37 (2) DENIAL OF ELIGIBILITY. An individual who fails to comply with the work  
2 requirements of the employment and training program under sub. (9) is ineligible to  
3 participate in the ~~food stamp~~ supplemental nutrition assistance program as  
4 specified under sub. (9) (b).

5           **SECTION 41.** 49.79 (3) (title) of the statutes is renumbered 49.37 (3) (title) and  
6 amended to read:

7           49.37 (3) (title) LIABILITY FOR LOST FOOD COUPONS MISAPPROPRIATED BENEFITS.

8           **SECTION 42.** 49.79 (3) (a) of the statutes <sup>as affected by 2011 Wisconsin Act...</sup> is renumbered 49.37 (3) (a) and <sup>(this act)</sup>  
9 amended to read:

10           49.37 (3) (a) A county or federally recognized American Indian tribe is liable  
11 for all ~~food stamp coupons lost~~, supplemental nutrition assistance program benefits  
12 that are misappropriated, or destroyed while under the county's or tribe's direct  
13 control, except as provided in par. (b).

14           **SECTION 43.** 49.79 (3) (b) of the statutes <sup>as affected by 2011 Wisconsin Act...</sup> is repealed <sup>(this act)</sup>

15           **SECTION 44.** 49.79 (3) (c) of the statutes <sup>as affected by 2011 Wisconsin Act...</sup> is renumbered 49.37 (3) (c) and <sup>(this act)</sup>  
16 amended to read:

17           49.37 (3) (c) A county or federally recognized American Indian tribe is liable  
18 for ~~food stamp coupons mailed~~ supplemental nutrition assistance program benefits  
19 incorrectly transferred to residents of the county or members of the tribe and lost in  
20 ~~the mail~~ due to incorrect information submitted to the department by the county or  
21 tribe.

22           **SECTION 45.** 49.79 (4) of the statutes <sup>as affected by 2011 Wisconsin Act...</sup> is renumbered 49.37 (4) and amended to <sup>(this act)</sup>  
23 read:

24           49.37 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The  
25 department shall withhold the value of ~~food stamp~~ any losses for which a county or

1 federally recognized American Indian tribe is liable under sub. (3) from the payment  
2 to the county or tribe under ~~income maintenance contracts under s. 49.78~~ contracts  
3 for the administration of the supplemental nutrition assistance program and  
4 reimburse the federal government from the funds withheld.

Ins. 15-4  
5 **SECTION 46.** 49.79 (5) (title) of the statutes is renumbered 49.37 (5) (title).

6 **SECTION 47.** 49.79 (5) (a) of the statutes is renumbered 49.37 (5) (a) and  
7 amended to read:

8 49.37 (5) (a) The department shall require an applicant for, or recipient under,  
9 the ~~food stamp~~ supplemental nutrition assistance program to state in writing  
10 whether the applicant or recipient or any member of the applicant's or recipient's  
11 household has been convicted, in any state or federal court of a felony that has as an  
12 element possession, use or distribution of a controlled substance. The department  
13 shall require an applicant or recipient, or member of the applicant's or recipient's  
14 household to submit to a test for use of a controlled substance as a condition of  
15 continued eligibility if, after August 22, 1996, but not more than 5 years prior to the  
16 date the written statement is made, the applicant or recipient or the member of the  
17 applicant's or recipient's household was convicted in any state or federal court of a  
18 felony that had as an element possession, use or distribution of a controlled  
19 substance. If the test results are positive with respect to any individual, the  
20 department may not consider the needs of that individual in determining the  
21 household's eligibility for the ~~food stamp~~ supplemental nutrition assistance program  
22 for at least 12 months from the date of the test. The department shall, however,  
23 consider the income and resources of that individual to be available to the household.

24 **SECTION 48.** 49.79 (5) (b) of the statutes is renumbered 49.37 (5) (b).

1       **SECTION 49.** 49.79 (6) of the statutes is renumbered 49.37 (6) and amended to  
2 read:

3       **49.37 (6) INELIGIBILITY FOR FUGITIVE FELONS.** No person is eligible for the ~~food~~  
4 ~~stamp~~ supplemental nutrition assistance program in a month in which that person  
5 is a fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation,  
6 extended supervision or parole imposed by a state or federal court.

7       **SECTION 50.** 49.79 (7) of the statutes is renumbered 49.37 (7) and amended to  
8 read:

9       **49.37 (7) SIMPLIFIED ~~FOOD-STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**  
10 The department shall develop a simplified ~~food-stamp-program~~ supplemental  
11 nutrition assistance program that meets all of the requirements under P.L. 104-193,  
12 section 854, and shall submit the plan to the secretary of the federal department of  
13 agriculture for approval. If the secretary of the federal department of agriculture  
14 approves the plan, the department shall submit the plan to the secretary of  
15 administration for approval. If the secretary of administration approves the plan,  
16 the department may implement the plan.

17       **SECTION 51.** 49.79 (8) of the statutes is renumbered 49.37 (8) and amended to  
18 read:

19       **49.37 (8) BENEFITS FOR QUALIFIED ALIENS.** The department shall <sup>not</sup> provide benefits  
20 under this section to a qualified alien <sup>as affected by 2011 Wisconsin Act... (this act)</sup> who is ineligible for benefits under this section  
21 solely because of the application of ~~9~~ 8 USC 1612 or 1613 according to a plan approved  
22 by the federal department of agriculture. This subsection does not apply <sup>except</sup> to the  
23 extent that federal ~~food-stamp~~ supplemental nutrition assistance program benefits  
24 for qualified aliens are ~~restored~~ <sup>required</sup> by the federal government.

25       **SECTION 52.** 49.79 (8m) (title) of the statutes is renumbered 49.37 (8m) (title).



1       **SECTION 53.** 49.79 (8m) (a) of the statutes is renumbered 49.37 (8m) (a) and  
2 amended to read:

3       49.37 (8m) (a) The department shall allow a prisoner who is applying for the  
4 ~~food stamp~~ supplemental nutrition assistance program from a correctional  
5 institution in anticipation of being released from the institution to use the address  
6 of the correctional institution as his or her address on the application.

7       **SECTION 54.** 49.79 (8m) (b) of the statutes is renumbered 49.37 (8m) (b) and  
8 amended to read:

9       49.37 (8m) (b) The department shall allow an employee of a correctional  
10 institution who has been authorized by a prisoner of the institution to act on his or  
11 her behalf in matters related to the ~~food stamp~~ supplemental nutrition assistance  
12 program to receive and conduct telephone calls on behalf of the prisoner in matters  
13 related to the ~~food stamp~~ supplemental nutrition assistance program.

14       **SECTION 55.** 49.79 (9) (title) of the statutes is renumbered 49.37 (9) (title).

15       **SECTION 56.** 49.79 (9) (a) 1. of the statutes <sup>as affected by 2011 Wisconsin Act...</sup> is renumbered 49.37 (9) (a) 1. and  
16 amended to read:

17       49.37 (9) (a) 1. The department shall administer an employment and training  
18 program for recipients under the ~~food stamp~~ supplemental nutrition assistance  
19 program and may contract under s. 49.78 with county departments under ss. 46.215,  
20 46.22, and 46.23, and with tribal governing bodies to carry out the administrative  
21 functions. The department may contract, or a county department or tribal governing  
22 body may subcontract, with a Wisconsin Works agency or another provider to  
23 administer the employment and training program under this subsection. Except as  
24 provided in subds. 2. and 3., the department may require able individuals who are  
25 18 to 60 years of age who are not participants in a Wisconsin Works employment

1 position to participate in the employment and training program under this  
2 subsection.

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*18-2* → 3 **SECTION 57.** 49.79 (9) (a) 2. of the statutes is renumbered 49.37 (9) (a) 2. and  
4 amended to read:

5 49.37 (9) (a) 2. The department may not require an individual who is a recipient  
6 under the ~~food stamp~~ supplemental nutrition assistance program and who is the  
7 caretaker of a child under the age of 12 weeks to participate in any employment and  
8 training program under this subsection.

9 **SECTION 58.** 49.79 (9) (a) 3. of the statutes is renumbered 49.37 (9) (a) 3. and  
10 amended to read:

11 49.37 (9) (a) 3. The department may not require an individual who is a recipient  
12 under the ~~food stamp~~ supplemental nutrition assistance program to participate in  
13 any employment and training program under this subsection if that individual is  
14 enrolled at least half time in a school, as defined in s. 49.26 (1) (a) 2., a training  
15 program, or an institution of higher education.

16 **SECTION 59.** 49.79 (9) (a) 4. of the statutes is renumbered 49.37 (9) (a) 4. and  
17 amended to read:

18 49.37 (9) (a) 4. The amount of ~~food stamp~~ supplemental nutrition assistance  
19 benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works  
20 employment position under s. 49.147 (4) or (5) shall be calculated based on the  
21 pre-sanction benefit amount received s. 49.148.

22 **SECTION 60.** 49.79 (9) (a) 5. of the statutes is renumbered 49.37 (9) (a) 5.

23 **SECTION 61.** 49.79 (9) (b) (intro.) of the statutes is renumbered 49.37 (9) (b)  
24 (intro.) and amended to read:

1           49.37 (9) (b) (intro.) An individual who fails to comply with the work  
2 requirements under par. (a) without good cause is ineligible to participate in the food  
3 stamp supplemental nutrition assistance program as follows:

4           **SECTION 62.** 49.79 (9) (b) 1. of the statutes is renumbered 49.37 (9) (b) 1.

5           **SECTION 63.** 49.79 (9) (b) 2. of the statutes is renumbered 49.37 (9) (b) 2.

6           **SECTION 64.** 49.79 (9) (b) 3. of the statutes is renumbered 49.37 (9) (b) 3.

7           **SECTION 65.** 49.793 (title) of the statutes is renumbered 49.373 (title) and  
8 amended to read:

9           **49.373 (title) Recovery of food stamps supplemental nutrition**  
10 **assistance program overpayments.** *as affected by 2011 Wisconsin Act... (this act),*

11           **SECTION 66.** 49.793 (1) of the statutes is renumbered 49.373 (1) and amended  
12 to read:

13           49.373 (1) The department or a county or an elected governing body of a  
14 federally recognized American Indian tribe or band acting on behalf of the  
15 department, may recover overpayments that arise from an overissuance of food  
16 coupons benefits under the food stamp supplemental nutrition assistance program  
17 administered under s. 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall be made in  
18 accordance with 7 USC 2022. *49.78 ← PLAIN* *as affected by 2011 Wisconsin Act... (this act),*

19           **SECTION 67.** 49.793 (2) (a) of the statutes is renumbered 49.373 (2) (a)

20           **SECTION 68.** 49.793 (2) (b) of the statutes is renumbered 49.373 (2) (b) and  
21 amended to read:

22           49.373 (2) (b) Any amount that Milwaukee County would otherwise be entitled  
23 to retain under par. (a) for the recovery of an overpayment due to the efforts of a  
24 department employee or officer, or a county employee or officer under the

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management of the department, shall be credited to the appropriation account under s. 20.435 (4) (L) 20.437 (2) (L).

SECTION 69. 49.795 (title) of the statutes is renumbered 49.375 (title) and amended to read:

**49.375 (title) ~~Food stamp~~ Supplemental nutrition assistance program offenses.**

SECTION 70. 49.795 (1) (intro.) of the statutes is renumbered 49.375 (1) (intro.).

SECTION 71. 49.795 (1) (a) of the statutes is renumbered 49.375 (1) (a) and amended to read:

49.375 (1) (a) "Eligible person" means a member of a household certified as eligible for the ~~food stamp~~ supplemental nutrition assistance program or a person authorized to represent a certified household under 7 USC 2020 (e) (7).

SECTION 72. 49.795 (1) (b) of the statutes is renumbered 49.375 (1) (b) and amended to read:

49.375 (1) (b) "Food" means items ~~which~~ that may be purchased using ~~food coupons~~ supplemental nutrition assistance program benefits under 7 USC 2012 (g) and 2016 (b).

SECTION 73. 49.795 (1) (c) of the statutes is renumbered 49.375 (1) (c) and amended to read:

49.375 (1) (c) "~~Food stamp~~ Supplemental nutrition assistance program" means the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC 2011 to 2029 2036.

SECTION 74. 49.795 (1) (d) of the statutes is renumbered 49.375 (1) (d) and amended to read:

1           49.375 (1) (d) "Supplier" means a retail grocery store or other person  
2 authorized by the federal department of agriculture to accept ~~food-coupons~~  
3 supplemental nutrition assistance program benefits in exchange for food under the  
4 ~~food-stamp~~ supplemental nutrition assistance program.

5           **SECTION 75.** 49.795 (1) (e) (intro.) of the statutes is renumbered 49.375 (1) (e)  
6 (intro.).

*, as affected by 2011 Wisconsin Act...  
(this act),*

7           **SECTION 76.** 49.795 (1) (e) 1. of the statutes is renumbered 49.375 (1) (e) 1. and  
8 amended to read:

9           49.375 (1) (e) 1. An employee or officer of the federal government, the state, <sup>e</sup>  
10 county or a federally recognized American Indian tribe acting in the course of official  
11 duties in connection with the ~~food-stamp~~ supplemental nutrition assistance  
12 program.

*, as affected by 2011 Wisconsin Act...  
(this act),*

13           **SECTION 77.** 49.795 (1) (e) 2. of the statutes is renumbered 49.375 (1) (e) 2. and  
14 amended to read:

15           49.375 (1) (e) 2. A person acting in the course of duties under a contract with  
16 the federal government, the state, <sup>e</sup>  
17 a county or a federally recognized American  
18 Indian tribe in connection with the ~~food-stamp~~ supplemental nutrition assistance  
program.

19           **SECTION 78.** 49.795 (1) (e) 3. of the statutes is renumbered 49.375 (1) (e) 3.

20           **SECTION 79.** 49.795 (1) (e) 4. of the statutes is renumbered 49.375 (1) (e) 4.

21           **SECTION 80.** 49.795 (1) (e) 5. of the statutes is renumbered 49.375 (1) (e) 5. and  
22 amended to read:

23           49.375 (1) (e) 5. A person authorized to redeem ~~food-coupons~~ supplemental  
24 nutrition assistance program benefits under 7 USC 2019.

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1           **SECTION 81.** 49.795 (2) of the statutes is renumbered 49.375 (2) and amended  
2 to read:

3           49.375 (2) No person may misstate or conceal facts in a ~~food stamp~~  
4 supplemental nutrition assistance program application or report of income, assets  
5 or household circumstances with intent to secure or continue to receive ~~food stamp~~  
6 supplemental nutrition assistance program benefits.

7           **SECTION 82.** 49.795 (2m) of the statutes is renumbered 49.375 (2m).

8           **SECTION 83.** 49.795 (3) of the statutes is renumbered 49.375 (3) and amended  
9 to read:

10          49.375 (3) No person may knowingly issue ~~food coupons~~ supplemental  
11 nutrition assistance program benefits to a person who is not an eligible person or  
12 knowingly issue ~~food coupons~~ supplemental nutrition assistance program benefits  
13 to an eligible person in excess of the amount for which the person's household is  
14 eligible.

15          **SECTION 84.** 49.795 (4) of the statutes is renumbered 49.375 (4) and amended  
16 to read:

17          49.375 (4) No eligible person may knowingly transfer ~~food coupons~~  
18 supplemental nutrition assistance program benefits except to purchase food from a  
19 supplier or knowingly obtain or use ~~food coupons~~ supplemental nutrition assistance  
20 program benefits for which the person's household is not eligible.

21          **SECTION 85.** 49.795 (5) of the statutes is renumbered 49.375 (5) and amended  
22 to read:

23          49.375 (5) No supplier may knowingly obtain ~~food coupons~~ supplemental  
24 nutrition assistance program benefits except as payment for food or knowingly

1 obtain ~~food coupons~~ supplemental nutrition assistance program benefits from a  
2 person who is not an eligible person.

3 **SECTION 86.** 49.795 (6) of the statutes is renumbered 49.375 (6) and amended  
4 to read:

5 49.375 (6) No unauthorized person may knowingly obtain, possess, transfer,  
6 or use ~~food coupons~~ supplemental nutrition assistance program benefits.

7 **SECTION 87.** 49.795 (7) of the statutes is renumbered 49.375 (7) and amended  
8 to read:

9 49.375 (7) No person may knowingly alter ~~food coupons~~ supplemental nutrition  
10 assistance program benefits.

11 **SECTION 88.** 49.795 (8) (a) (intro.) of the statutes is renumbered 49.375 (8) (a)  
12 (intro.).

13 **SECTION 89.** 49.795 (8) (a) 1. of the statutes is renumbered 49.375 (8) (a) 1. and  
14 amended to read:

15 49.375 (8) (a) 1. If the value of the ~~food coupons~~ supplemental nutrition  
16 assistance program benefits does not exceed \$100, a person who violates this section  
17 may be fined not more than \$1,000 or imprisoned not more than one year in the  
18 county jail or both.

19 **SECTION 90.** 49.795 (8) (a) 2. of the statutes is renumbered 49.375 (8) (a) 2. and  
20 amended to read:

21 49.375 (8) (a) 2. If the value of the ~~food coupons~~ supplemental nutrition  
22 assistance program benefits exceeds \$100, but is less than \$5,000, a person who  
23 violates this section is guilty of a Class I felony.

24 **SECTION 91.** 49.795 (8) (b) (intro.) of the statutes is renumbered 49.375 (8) (b)  
25 (intro.).

1           **SECTION 92.** 49.795 (8) (b) 1. of the statutes is renumbered 49.375 (8) (b) 1. and  
2 amended to read:

3           49.375 (8) (b) 1. If the value of the ~~food-coupons~~ supplemental nutrition  
4 assistance program benefits does not exceed \$100, a person who violates this section  
5 may be fined not more than \$1,000 or imprisoned not more than one year in the  
6 county jail or both.

7           **SECTION 93.** 49.795 (8) (b) 2. of the statutes is renumbered 49.375 (8) (b) 2. and  
8 amended to read:

9           49.375 (8) (b) 2. If the value of the ~~food-coupons~~ supplemental nutrition  
10 assistance program benefits exceeds \$100, but is less than \$5,000, a person who  
11 violates this section is guilty of a Class H felony.

12           **SECTION 94.** 49.795 (8) (c) of the statutes is renumbered 49.375 (8) (c) and  
13 amended to read:

14           49.375 (8) (c) For any offense under this section, if the value of the ~~food-coupons~~  
15 supplemental nutrition assistance program benefits is \$5,000 or more, a person who  
16 violates this section is guilty of a Class G felony.

17           **SECTION 95.** 49.795 (8) (d) 1. (intro.) of the statutes is renumbered 49.375 (8)  
18 (d) 1. (intro.) and amended to read:

19           49.375 (8) (d) 1. (intro.) In addition to the penalties applicable under par. (a),  
20 (b), or (c), the court shall suspend a person who violates this section from  
21 participation in the ~~food-stamp~~ supplemental nutrition assistance program as  
22 follows:

23           **SECTION 96.** 49.795 (8) (d) 1. a. of the statutes is renumbered 49.375 (8) (d) 1.  
24 a.



1           **SECTION 97.** 49.795 (8) (d) 1. b. of the statutes is renumbered 49.375 (8) (d) 1.

2           b.

3           **SECTION 98.** 49.795 (8) (d) 1. c. of the statutes is renumbered 49.375 (8) (d) 1.

4           c.

5           **SECTION 99.** 49.795 (8) (d) 1m. of the statutes is renumbered 49.375 (8) (d) 1m.

6           and amended to read:

7           49.375 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b), or  
8           (c), a court shall permanently suspend from the ~~food stamp~~ supplemental nutrition  
9           assistance program a person who has been convicted of an offense under 7 USC 2024  
10          (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500  
11          or more.

as affected by 2011 Wisconsin  
Act... (this act)

12          **SECTION 100.** 49.795 (8) (d) 2. of the statutes is renumbered 49.375 (8) (d) 2.

13          **SECTION 101.** 49.795 (8) (e) 1. (intro.) of the statutes is renumbered 49.375 (8)

14          (e) 1. (intro.) and amended to read:

15          49.375 (8) (e) 1. (intro.) If a court finds that a person traded a controlled  
16          substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition  
17          assistance program benefits, the court shall suspend the person from participation  
18          in the ~~food stamp~~ supplemental nutrition assistance program as follows:

19          **SECTION 102.** 49.795 (8) (e) 1. a. of the statutes is renumbered 49.375 (8) (e) 1.

20          a.

21          **SECTION 103.** 49.795 (8) (e) 1. b. of the statutes is renumbered 49.375 (8) (e) 1.

22          b.

23          **SECTION 104.** 49.795 (8) (e) 2. of the statutes is renumbered 49.375 (8) (e) 2. and

24          amended to read:

1           49.375 (8) (e) 2. If a court finds that a person traded firearms, ammunition, or  
2   explosives for ~~food coupons~~ supplemental nutrition assistance program benefits, the  
3   court shall suspend the person permanently from participation in the ~~food stamp~~  
4   supplemental nutrition assistance program.

5           **SECTION 105.** 49.795 (8) (f) of the statutes is renumbered 49.375 (8) (f) and  
6   amended to read:

7           49.375 (8) (f) Notwithstanding par. (d), in addition to the penalties applicable  
8   under par. (a), (b), or (c), the court shall suspend from the ~~food stamp~~ supplemental  
9   nutrition assistance program for a period of 10 years a person who fraudulently  
10   misstates or misrepresents his or her identity or place of residence for the purpose  
11   of receiving multiple benefits simultaneously under the ~~food stamp~~ supplemental  
12   nutrition assistance program.

13          **SECTION 106.** 49.797 (title) of the statutes is renumbered 49.377 (title).

14          **SECTION 107.** 49.797 (1) of the statutes is renumbered 49.377 (1) and amended  
15   to read:

16          49.377 (1) DEFINITION. In this section, "~~food stamp program~~" "supplemental  
17   nutrition assistance program" means the federal ~~food stamp~~ supplemental nutrition  
18   assistance program under 7 USC 2011 to 2029 2036 or, if the department determines  
19   that the ~~food stamp~~ supplemental nutrition assistance program no longer exists, a  
20   nutrition program that the department determines is a successor to the ~~food stamp~~  
21   supplemental nutrition assistance program.

22          **SECTION 108.** 49.797 (2) (a) of the statutes is renumbered 49.377 (2) and  
23   amended to read:

24          49.377 (2) Notwithstanding ~~s. 46.028~~ and except as provided in par. (b) and sub.  
25   (8), ~~the~~ The department shall administer a statewide program to deliver ~~food stamp~~

⑨ ~~NOTE~~ NOTE: This is reconciled s. 49.797(8). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

1 supplemental nutrition assistance program benefits to recipients of food stamp  
2 supplemental nutrition assistance program benefits by an electronic benefit transfer  
3 system. All suppliers, as defined in s. 49.795(1) 49.375(1) (d), may participate in the  
4 delivery of food stamp supplemental nutrition assistance program benefits under the  
5 electronic benefit transfer system. The department shall explore methods by which  
6 nontraditional retailers, such as farmers' markets, may participate in the delivery  
7 of food stamp supplemental nutrition assistance program benefits under the  
8 electronic benefit transfer system.

9 SECTION 109. 49.797 (2) (b) of the statutes is repealed.

10 SECTION 110. 49.797 (4) of the statutes is renumbered 49.377 (4).

11 SECTION 111. 49.797 (5) of the statutes is renumbered 49.377 (5).

12 SECTION 112. 49.797 (6) of the statutes is renumbered 49.377 (6).

13 SECTION 113. 49.797 (7) of the statutes is renumbered 49.377 (7).

14 SECTION 114. 49.797 (8) of the statutes is repealed.

as affected by 2011 Wisconsin Act...  
(this act)

15 SECTION 115. 49.84 (5) of the statutes is amended to read:

16 49.84 (5) A person applying for Wisconsin ~~works~~ Works under ss. 49.141 to  
17 49.161, aid to families with dependent children under s. 49.19, medical assistance  
18 under subch. IV, or food stamp supplemental nutrition assistance program benefits  
19 under 7 USC 2011 to 2029 2036 shall, as a condition of eligibility, provide a  
20 declaration and other verification of citizenship or satisfactory immigration status  
21 as required by the department by rule or as required in 42 USC 1320b-7 (d).

22 SECTION 116. 49.845 (1) of the statutes is amended to read:

23 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
24 (bn), (kz), (L), and (nn), the department of health services shall establish a program  
25 to investigate suspected fraudulent activity on the part of recipients of medical

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1 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~  
2 ~~7 USC 2011 to 2036~~, supplemental security income payments under s. 49.77,  
3 payments for the support of children of supplemental security income recipients  
4 under s. 49.775, and health care benefits under the Badger Care health care program  
5 under s. 49.665 and, if the department of children and families contracts with the  
6 department of health services under sub. (4), on the part of recipients of aid to  
7 families with dependent children under s. 49.19, recipients of benefits under the  
8 supplemental nutrition assistance program under 7 USC 2011 to 2036, and  
9 participants in the Wisconsin Works program under ss. 49.141 to 49.161. The  
10 activities of the department of health services under this subsection may include  
11 comparisons of information provided to the department by an applicant and  
12 information provided by the applicant to other federal, state, and local agencies,  
13 development of an advisory welfare investigation prosecution standard, and  
14 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to  
15 Wisconsin Works agencies to encourage activities to detect fraud. The department  
16 of health services shall cooperate with district attorneys regarding fraud  
17 prosecutions.

18 **SECTION 117.** 49.845 (2) of the statutes is amended to read:

19 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health  
20 services shall conduct activities to reduce payment errors in the Medical Assistance  
21 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, the  
22 supplemental security income payments program under s. 49.77, the program  
23 providing payments for the support of children of supplemental security income  
24 recipients under s. 49.775, and the Badger Care health care program under s. 49.665  
25 and, if the department of children and families contracts with the department of

1 health services under sub. (4), in Wisconsin Works under ss. 49.141 to 49.161 and the  
2 supplemental nutrition assistance program under 7 USC 2011 to 2036.

3 **SECTION 118.** 49.845 (4) (title) of the statutes is amended to read:

4 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS AND THE SUPPLEMENTAL  
5 NUTRITION ASSISTANCE PROGRAM.

6 **SECTION 119.** 49.845 (4) (a) 1. of the statutes is amended to read:

7 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of  
8 children and families may contract with the department of health services to  
9 investigate suspected fraudulent activity on the part of recipients of aid to families  
10 with dependent children under s. 49.19, recipients of benefits under the  
11 supplemental nutrition assistance program under 7 USC 2011 to 2036, and  
12 participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities  
13 to reduce payment errors in the supplemental nutrition assistance program under  
14 7 USC 2011 to 2036 and Wisconsin Works under ss. 49.141 to 49.161, as provided in  
15 this section. If any employee of the department of health services reasonably  
16 suspects that fraudulent activity as described in this subdivision has occurred or is  
17 occurring, the employee shall immediately report the facts and circumstances  
18 contributing to that suspicion to the employee's immediate supervisor.

19 **SECTION 120.** 49.847 (1) of the statutes is amended to read:

20 49.847 (1) Subject to ~~ss. s.~~ s. 49.497 (1) ~~and 49.793 (1),~~ the department of health  
21 services, or a county or elected governing body of a federally recognized American  
22 Indian tribe or band acting on behalf of the department, may recover benefits  
23 incorrectly paid under any of the programs administered by the department under  
24 this chapter.

25 **SECTION 121.** 49.847 (2) of the statutes is amended to read:

1 49.847 (2) The department, county, or elected governing body may recover an  
2 overpayment from a family or individual who continues to receive benefits under any  
3 program administered by the department under this chapter by reducing the  
4 family's or individual's benefit amount. ~~Subject to s. 49.793 (1), the~~ The department  
5 may by rule specify other methods for recovering incorrectly paid benefits.

6 **SECTION 122.** 49.847 (3) (a) of the statutes is amended to read: *as affected by 2011 Wisconsin Act, ... (this act),*

7 49.847 (3) (a) Subject to ss. s. 49.497 (2) and 49.793 (2), and except as provided  
8 in par. (b), a county or elected governing body may retain a portion of an amount  
9 recovered under this section due to the efforts of an employee or officer of the county,  
10 tribe, or band, as provided by the department by rule.

11 **SECTION 123.** 49.85 (1) of the statutes is amended to read:

12 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under  
13 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American  
14 Indian tribe or band determines that the department of health services may recover  
15 an amount under s. 49.497, ~~49.793~~, or 49.847, or that the department of children and  
16 families may recover an amount under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect  
17 an amount under s. 49.147 (6) (cm), the county department or governing body shall  
18 notify the affected department of the determination. If a Wisconsin Works agency  
19 determines that the department of children and families may recover an amount  
20 under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect an amount under s. 49.147 (6) (cm),  
21 the Wisconsin Works agency shall notify the department of children and families of  
22 the determination.

23 **SECTION 124.** 49.85 (2) (a) (intro.) of the statutes is amended to read:

24 49.85 (2) (a) (intro.) At least annually, the department of health services shall  
25 certify to the department of revenue the amounts that, based on the notifications

1 received under sub. (1) and on other information received by the department of  
2 health services, the department of health services has determined that it may  
3 recover under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, except that the  
4 department of health services may not certify an amount under this subsection  
5 unless all of the following apply:

6 **SECTION 125.** 49.85 (2) (b) of the statutes is amended to read:

7 49.85 (2) (b) At least annually, the department of children and families shall  
8 certify to the department of revenue the amounts that, based on the notifications  
9 received under sub. (1) and on other information received by the department of  
10 children and families, the department of children and families has determined that  
11 it may recover under ~~ss. s.~~ s. 49.161, and 49.195 (3) and, or 49.373 or collect under s.  
12 49.147 (6) (cm), except that the department of children and families may not certify  
13 an amount under this subsection unless it has met the notice requirements under  
14 sub. (3) and unless its determination has either not been appealed or is no longer  
15 under appeal.

16 **SECTION 126.** 49.85 (3) (a) 1. of the statutes is amended to read:

17 49.85 (3) (a) 1. Inform the person that the department of health services  
18 intends to certify to the department of revenue an amount that the department of  
19 health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~,  
20 or 49.847, for setoff from any state tax refund that may be due the person.

21 **SECTION 127.** 49.85 (3) (b) 1. of the statutes is amended to read:

22 49.85 (3) (b) 1. Inform the person that the department of children and families  
23 intends to certify to the department of revenue an amount that the department of  
24 children and families has determined to be due under s. 49.161 ~~or~~, 49.195 (3), or

1 49.373, or to be delinquent under a repayment agreement for a loan under s. 49.147  
2 (6), for setoff from any state tax refund that may be due the person.

3 **SECTION 128.** 49.95 (4m) (a) of the statutes is amended to read:

4 49.95 (**4m**) (a) Without legal authority, sends or brings a person to a county,  
5 tribal governing body, or municipality or advises a person to go to a county, tribal  
6 governing body, or municipality for the purpose of obtaining relief funded by a relief  
7 block grant, benefits under the Wisconsin ~~works~~ Works program under ss. 49.141 to  
8 49.161, aid to families with dependent children under s. 49.19, medical assistance  
9 under subch. IV, or ~~food stamps~~ benefits under the supplemental nutrition  
10 assistance program under 7 USC 2011 to ~~2029~~ 2036.

11 **SECTION 129.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

12 71.07 (**2dx**) (a) 5. "Member of a targeted group" means a person who resides  
13 in an area designated by the federal government as an economic revitalization area,  
14 a person who is employed in an unsubsidized job but meets the eligibility  
15 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
16 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,  
17 real pay project position under s. 49.147 (3m), a person who is eligible for child care  
18 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an  
19 economically disadvantaged youth, an economically disadvantaged veteran, a  
20 supplemental security income recipient, a general assistance recipient, an  
21 economically disadvantaged ex-convict, a qualified summer youth employee, as  
22 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or  
23 a ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance  
24 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
25 under sub. (2dj) (am) 3. by a designated local agency, as defined in sub. (2dj) (am) 2.



1           **SECTION 130.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

2           71.28 (1dx) (a) 5. "Member of a targeted group" means a person who resides  
3 in an area designated by the federal government as an economic revitalization area,  
4 a person who is employed in an unsubsidized job but meets the eligibility  
5 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
6 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,  
7 real pay project position under s. 49.147 (3m), a person who is eligible for child care  
8 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an  
9 economically disadvantaged youth, an economically disadvantaged veteran, a  
10 supplemental security income recipient, a general assistance recipient, an  
11 economically disadvantaged ex-convict, a qualified summer youth employee, as  
12 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or  
13 a food stamp recipient of benefits under the supplemental nutrition assistance  
14 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
15 under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

16           **SECTION 131.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

17           71.47 (1dx) (a) 5. "Member of a targeted group" means a person who resides  
18 in an area designated by the federal government as an economic revitalization area,  
19 a person who is employed in an unsubsidized job but meets the eligibility  
20 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,  
21 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,  
22 real pay project position under s. 49.147 (3m), a person who is eligible for child care  
23 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an  
24 economically disadvantaged youth, an economically disadvantaged veteran, a  
25 supplemental security income recipient, a general assistance recipient, an

1 economically disadvantaged ex-convict, a qualified summer youth employee, as  
2 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or  
3 a ~~food stamp~~ recipient of supplemental nutrition assistance program benefits under  
4 7 USC 2011 to 2036, if the person has been certified in the manner under sub. (1dj)  
5 (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

6 **SECTION 132.** 71.93 (1) (a) 3. of the statutes is amended to read:

7 71.93 (1) (a) 3. An amount that the department of health services may recover  
8 under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, if the department of health  
9 services has certified the amount under s. 49.85.

10 **SECTION 133.** 71.93 (1) (a) 4. of the statutes is amended to read:

11 71.93 (1) (a) 4. An amount that the department of children and families may  
12 recover under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect under s. 49.147 (6) (cm), if  
13 the department of children and families has certified the amount under s. 49.85.

14 **SECTION 134.** 76.636 (1) (e) 13. of the statutes is amended to read:

15 76.636 (1) (e) 13. A ~~food stamp~~ recipient of benefits under the supplemental  
16 nutrition assistance program under 7 USC 2011 to 2036.

17 **SECTION 135.** 102.29 (8r) of the statutes is amended to read:

18 102.29 (8r) No participant in a ~~food stamp~~ supplemental nutrition assistance  
19 employment and training program under s. ~~49.79 (9)~~ 49.37 (9) who, under s. ~~49.79~~  
20 ~~(9) (a) 5.~~ 49.37 (9) (a) 5., is provided worker's compensation coverage by the  
21 department of ~~health services~~ children and families or by a Wisconsin Works agency,  
22 as defined in s. 49.001 (9), or other provider under contract with the department of  
23 ~~health services~~ children and families or a county department under s. 46.215, 46.22,  
24 or 46.23 or tribal governing body to administer the ~~food stamp~~ supplemental  
25 nutrition assistance employment and training program and who makes a claim for

1 compensation under this chapter may make a claim or maintain an action in tort  
2 against the employer who provided the employment and training from which the  
3 claim arose.

4 **SECTION 136.** 115.347 (2) of the statutes is amended to read:

5 115.347 (2) Whenever a school district that is located in whole or in part in a  
6 county that has converted to the client assistance for reemployment and economic  
7 support data system submits a report under sub. (1) in the prescribed format, the  
8 department of children and families shall determine which children enrolled in the  
9 school district are members of Wisconsin Works groups participating under s. 49.147  
10 (3) to (5) or of families receiving aid to families with dependent children or ~~food~~  
11 ~~stamps~~ benefits under the supplemental nutrition assistance program under 7 USC  
12 2011 to 2036 and shall provide the information to the school board as soon thereafter  
13 as possible. The school board shall use the information to directly certify children  
14 as eligible for free or reduced-price meals served by the school district under federal  
15 school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

16 **SECTION 137.** 560.70 (4m) of the statutes is amended to read:

17 560.70 (4m) "Member of a targeted group" means a person who resides in an  
18 area designated by the federal government as an economic revitalization area, a  
19 person who is employed in an unsubsidized job but meets the eligibility requirements  
20 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who  
21 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay  
22 project position under s. 49.147 (3m), a person who is eligible for child care assistance  
23 under s. 49.155, a person who is a vocational rehabilitation referral, an economically  
24 disadvantaged youth, an economically disadvantaged veteran, a supplemental  
25 security income recipient, a general assistance recipient, an economically

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35-15

1 disadvantaged ex-convict, a dislocated worker, as defined in 29 USC 2801 (9), or a  
2 ~~food stamp~~ recipient ~~of benefits under the supplemental nutrition assistance~~  
3 ~~program under 7 USC 2011 to 2036, if the person has been certified in the manner~~  
4 ~~under 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51~~  
5 ~~(d) (12).~~

6 **SECTION 138.** 812.30 (9) of the statutes is amended to read:

7 812.30 (9) "Need-based public assistance" means aid to families with  
8 dependent children, relief funded by a relief block grant under ch. 49, relief provided  
9 by counties under s. 59.53 (21), medical assistance, supplemental security income,  
10 ~~food stamps~~ supplemental nutrition assistance program benefits, or benefits  
11 received by veterans under s. 45.40 (1m) or under 38 USC 501 to 562.

12 **SECTION 139.** 812.44 (4) 2. (form) of the statutes is amended to read:

13 812.44 (4) 2. (form) You receive aid to families with dependent children, relief  
14 funded by a relief block grant under ch. 49, relief provided by counties under section  
15 s. 59.53 (21) of the Wisconsin Statutes, medical assistance, supplemental security  
16 income, ~~food stamps~~ supplemental nutrition assistance program benefits, or  
17 veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the  
18 Wisconsin Statutes, or have received these benefits within the past 6 months.

19 **SECTION 140.** 812.44 (5) 2. (form) of the statutes is amended to read:

20 812.44 (5) 2. (form) I receive, am eligible for, or have within 6 months received,  
21 aid to families with dependent children, relief funded by a relief block grant under  
22 ch. 49, relief provided by counties under section 59.53 (21) of the Wisconsin Statutes,  
23 medical assistance, supplemental security income, ~~food stamps~~ supplemental  
24 nutrition assistance program benefits, or veterans benefits based on need under 38  
25 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

1           **SECTION 141.** 814.29 (1) (d) 1. of the statutes is amended to read:

2           814.29 (1) (d) 1. That the person is a recipient of means-tested public  
3 assistance, including aid to families with dependent children, relief funded by a relief  
4 block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical  
5 assistance, supplemental security income, ~~food stamps~~ supplemental nutrition  
6 assistance program benefits, or benefits received by veterans under s. 45.40 (1m) or  
7 under 38 USC 501 to 562.

8           **SECTION 142.** 977.01 (2) of the statutes is amended to read:

9           977.01 (2) "Public assistance" means relief provided by counties under s. 59.53  
10 (21), Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, medical assistance under  
11 subch. IV of ch. 49, low-income energy assistance under s. 16.27, weatherization  
12 assistance under s. 16.26, and the ~~food stamp~~ supplemental nutrition assistance  
13 program under 7 USC 2011 to ~~2029~~ 2036.

14           **SECTION 9121. Nonstatutory provisions; Health Services.**

15           (1) FOOD STAMP PROGRAM TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES.

16           (a) *Employee transfers.* The classified positions, and incumbent employees  
17 holding positions, in the department of health services relating primarily to the food  
18 stamp program under section 49.79, 2009 stats., as determined by the secretary of  
19 administration, are transferred to the department of children and families. Upon  
20 determination of these employees, the secretary of administration may transfer  
21 moneys between the general purpose revenue appropriations for the department of  
22 health services and the department of children and families, between the program  
23 revenue appropriations for the department of health services and the department of  
24 children and families, between the program revenue-service appropriations for the  
25 department of health services and the department of children and families, between

1 the appropriations of given segregated funds for the department of health services  
2 and the department of children and families, and between the federal revenue  
3 appropriations for the department of health services and the department of children  
4 and families, if necessary to adjust previously allocated costs in accordance with the  
5 transfer of personnel and administrative functions.

6 (b) *Employee status.* Employees transferred under paragraph (a) shall have the  
7 same rights and status under subchapter V of chapter 111 and chapter 230 of the  
8 statutes in the department of children and families that they enjoyed in the  
9 department of health services immediately before the transfer. Notwithstanding  
10 section 230.28 (4) of the statutes, no employee so transferred who has attained  
11 permanent status in class is required to serve a probationary period.

12 (c) *Tangible personal property.* On the effective date of this paragraph, all  
13 tangible personal property, including records, of the department of health services  
14 that is primarily related to the food stamp program under section 49.79, 2009 stats.,  
15 as determined by the secretary of administration, shall be transferred to the  
16 department of children and families.

17 (d) *Contracts.* All contracts entered into by the department of health services  
18 in effect on the effective date of this paragraph that are primarily related to the  
19 related to the food stamp program under section 49.79, 2009 stats., as determined  
20 by the secretary of administration, remain in effect and are transferred to the  
21 department of children and families. The department of children and families shall  
22 carry out any such contractual obligations unless modified or rescinded by the  
23 department of children and families to the extent allowed under the contract.

24 (e) *Pending matters.* Any matter pending with the department of health  
25 services on the effective date of this paragraph that is primarily related to the food

stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, is transferred to the department of children and families and all materials submitted to or actions taken by the department of health services with respect to the pending matter are considered as having been submitted to or taken by the department of children and families.

(f) *Rules and orders.* All rules promulgated by the department of health services that are primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of children and families. All orders issued by the department of health services that are primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department of children and families.

#### SECTION 9321. Initial applicability; Health Services.

(1) FOOD STAMP TRANSFER; INCOME MAINTENANCE CONTRACTS. The treatment of section 49.78 (1) (b) of the statutes first applies to contracts for the administration of income maintenance programs in 2013.

#### SECTION 9421. Effective dates; Health Services.

(1) FOOD STAMP PROGRAM TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES.

The treatment of sections 16.27 (5) (c) and (e), 20.435 (4) (bm), (L), (nn), (pa), and (pv), 20.437 (2) (bm), (L), (nn), and (pv), 46.215 (1) (k), 46.22 (1) (b) 2. d., 46.283 (3) (k), 48.685 (5) (br) 5, 49.131 (3), 49.141 (7) (c) 3., 49.143 (2) (d), 49.155 (1m) (a) 3m., 49.159 (2), 49.173 (3) (a) 2., 49.197 (1m), (3), (4), and (5), 49.22 (6), 49.32 (7) (b),

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(by Section x)

(by Section x)

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(by Section x)

## SECTION 9421

(c), and (d), and (10) (a), 49.37 (1m), 49.78 (1) (b), 49.79 (title), (intro.), (1) (a), (c), (f), and (g), (2), (3) (title), ~~a, (b), and (c), (4), (5) (title), (a), and (b), (6), (7), (8), (8m) (title), (a), and (b), and (9) (title), (a) 1., 2., 3., 4., and 5., and (b) (intro.), 1., 2., and 3., 49.793 (title), (1), and (2) a and (b), 49.795 (title), (1) (intro.), (a), (b), (c), (d), and (e) (intro.), 1., 2., 3., 4., and 5., (2), (2m), (3), (4), (5), (6), (7), (8) (a) (intro.), 1., and 2., (b) (intro.), 1., and 2, (c), (d) 1. (intro.), a., b., and c., 1m., and 2. (e) 1. (intro.), a., and b. and 2., and (f), 49.797 (title), (1), (2) (a) and (b), (4), (5), (6), (7), and (8), 49.84 (5), 49.845 (1), (2), (4) (title) and (a) 1., 49.847 (1), (2), and (3) a, 49.85 (1), (2) (a) (intro.) and (b), (3) (a) 1. and (b) 1., 49.95 (4m) (a), 71.07 (2dx) (a) 5., 71.28 (1dx) (a) 5., 71.47 (1dx) (a) 5., 71.93 (1) (a) 3. and 4., 76.636 (1) (e) 13., 102.29 (8r), 115.347 (2), 560.70 (4m), 812.30 (9), 812.44 (4) 2. (form) and (5) 2. (form), 814.29 (1) (d) 1., and 977.01 (2) and~~

SECTION 9121 (1) of this act take effect on January 1, 2013.

(END)

238.30(4m) (by SECTION X) autoref 12

the repeal of sections 20.435(4)(bn), 49.79(3)(b), 49.797(8) of the statutes,

the renumbering of section 49.795(8)(d) 2. of the statutes, and

the renumbering and amendment of sections

49.79(3)(a) and (c), (4), (8), (9)(a) 1., 49.793(1), 49.795(1)(e) 1. and 2. of the statutes

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**INSERT 2-2**

\*\*\*\*NOTE: This is reconciled s. 16.27 (5) (c). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 2-2**

**INSERT 2-9**

1           **SECTION 1.** 20.435 (4) (bn), as affected by 2011 Wisconsin Act .... (this act), of  
2           the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (bn). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

3           **SECTION 2.** 20.435 (4) (L) of the statutes, as affected by 2011 Wisconsin Act ....  
4           (this act), is amended to read:

5           20.435 (4) (L) *Fraud and error reduction.* All moneys received as the state's  
6           share of the recovery of overpayments and incorrect payments under ss. 49.497 (1)  
7           and (1m), ~~49.793 (2), and 49.847,~~ all moneys received from counties and tribal  
8           governing bodies as a result of any error reduction activities under ss. 49.197 and  
9           49.845, for any contracts under s. 49.197 (5), and for any activities to reduce error and  
10          fraud under s. 49.845, ~~to pay federal sanctions under the food stamp program, and~~  
11          ~~for food stamp reinvestment activities under reinvestment agreements with the~~  
12          ~~federal department of agriculture that are designed to improve the food stamp~~  
13          program.

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (L). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

14          **SECTION 3.** 20.435 (4) (nn), as affected by 2011 Wisconsin Act .... (this act), of  
15          the statutes is amended to read:

16          20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the  
17          federal government for the costs of contracting for the administration of the Medical

1 Assistance program under subch. IV of ch. 49 and the Badger Care health care  
2 program under s. 49.665 ~~and the food stamp program~~, other than moneys received  
3 under par. (pa), for costs to administer income maintenance programs, as defined in  
4 s. 49.78 (1) (b).

\*\*\*\*NOTE: This is reconciled s. 20.435 (4) (nn). This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1 ✓

**END INSERT 2-9**

**INSERT 6-22**

\*\*\*\*NOTE: This is reconciled s. 46.283 (3) (k). This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 6-22**

**INSERT 7-9**

\*\*\*\*NOTE: This is reconciled s. 49.685 (5) (br) 5. This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 7-9**

**INSERT 8-19**

*create  
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4  
5 **SECTION 4** 49.197 (1m) of the statutes, as affected by 2011 Wisconsin Act ....

6 (this act), is amended to read:

7 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)  
8 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program  
9 to investigate suspected fraudulent activity on the part of recipients of aid to families  
10 with dependent children under s. 49.19, on the part of recipients of benefits under  
11 the supplemental nutrition assistance program under 7 USC 2011 to 2036,  
12 supplemental security income payments under s. 49.77, 2009 stats., or s. 49.39, and  
13 payments for the support of children of supplemental security income recipients

1 under s. 49.775, 2009 stats., or s. 49.395, on the part of participants in the Wisconsin  
2 Works program under ss. 49.141 to 49.161, and, if the department of health services  
3 contracts with the department under sub. (5), on the part of recipients of medical  
4 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~  
5 ~~7 USC 2011 to 2036~~, and health care benefits under the Badger Care health care  
6 program under s. 49.665. The department's activities under this subsection may  
7 include, but are not limited to, comparisons of information provided to the  
8 department by an applicant and information provided by the applicant to other  
9 federal, state, and local agencies, development of an advisory welfare investigation  
10 prosecution standard, and provision of funds to county departments under ss.  
11 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to  
12 detect fraud. The department shall cooperate with district attorneys regarding  
13 fraud prosecutions.

\*\*\*\*NOTE: This is reconciled s. 49.197 (1m). This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1

*autorefer* 5  
14 **SECTION 5.** 49.197 (3) of the statutes, as affected by 2011 Wisconsin Act .... (this  
15 act), is amended to read:

16 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct  
17 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161,  
18 the supplemental nutrition assistance program under 7 USC 2011 to 2036, the  
19 supplemental security income payments program under s. 49.39, and the program  
20 providing payments for the support of children of supplemental security income  
21 recipients under s. 49.395, and, if the department of health services contracts with  
22 the department under sub. (5), the Medical Assistance program under subch. IV, ~~the~~

1 ~~food stamp program under 7 USC 2011 to 2036~~, and the Badger Care health care  
2 program under s. 49.665.

\*\*\*\*NOTE: This is reconciled s. 49.197 (3). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1

*author 4*  
3 **SECTION 6.** 49.197 (4) of the statutes, as affected by 2011 Wisconsin Act .... (this  
4 act), is amended to read:

5 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health  
6 services contracts with the department under sub. (5), the department shall provide  
7 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing  
8 bodies of federally recognized American Indian tribes administering Medical  
9 Assistance under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, and  
10 the Badger Care health care program under s. 49.665, as applicable, to offset  
11 administrative costs of reducing payment errors in those programs.

\*\*\*\*NOTE: This is reconciled s. 49.197 (4). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1

*author 7*  
12 **SECTION 7.** 49.197 (5) of the statutes, as affected by 2011 Wisconsin Act .... (this  
13 act), is amended to read:

14 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE AND ~~FOOD STAMPS~~.  
15 Notwithstanding s. 49.845 (1) and (2), the department of health services may  
16 contract with the department to investigate suspected ~~fraudulent~~ <sup>strike comma</sup> activity on the  
17 part of recipients of medical assistance under subch. IV, ~~food stamp benefits under~~  
18 ~~the food stamp program under 7 USC 2011 to 2036~~, and health care benefits under  
19 the Badger Care health care program under s. 49.665 and to conduct activities to  
20 reduce payment errors in the Medical Assistance program under subch. IV, ~~the food~~ <sup>strike comma</sup>  
21 ~~stamp program under 7 USC 2011 to 2036~~, and the Badger Care health care program  
22 under s. 49.665, as provided in this section.

\*\*\*\*NOTE: This is reconciled s. 49.197 (5). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 8-19**

**INSERT 14-13**

\*\*\*\*NOTE: This is reconciled s. 49.79 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 14-13**

**INSERT 14-14**

\*\*\*\*NOTE: This is reconciled s. 49.79 (3) (b). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 14-14**

**INSERT 14-21**

\*\*\*\*NOTE: This is reconciled s. 49.79 (3) (c). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 14-21**

**INSERT 15-4**

\*\*\*\*NOTE: This is reconciled s. 49.79 (4). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 15-4**

**INSERT 16-24**

\*\*\*\*NOTE: This is reconciled s. 49.79 (8). This SECTION has been affected by drafts with the following LRB numbers: 0151/1 and 1195/1 ✓

**END INSERT 16-24**

**INSERT 18-2**

\*\*\*\*NOTE: This is reconciled s. 49.79 (9) (a) 1. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 18-2**

**INSERT 19-18**

\*\*\*\*NOTE: This is reconciled s. 49.793 (1). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 19-18**

**INSERT 19-19**

\*\*\*\*NOTE: This is reconciled s. 49.793 (2). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 19-19**

**INSERT 21-12**

\*\*\*\*NOTE: This is reconciled s. 49.795 (1) (e) 1. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 21-12**

**INSERT 21-18**

\*\*\*\*NOTE: This is reconciled s. 49.795 (1) (e) 2. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 21-18**

**INSERT 25-12**

\*\*\*\*NOTE: This is reconciled s. 49.795 (8) (d) 2. This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 25-12**

**INSERT 27-21**

autorefer 8

as affected by 2011 Wisconsin Act 10 (this act)

1 **SECTION 8.** 49.845 (1) of the statutes is amended to read:  
2 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
3 (bn), (kz), (L), and (nn), the department of health services shall establish a program  
4 to investigate suspected fraudulent activity on the part of recipients of medical  
5 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~

↑  
strike comma

1 ~~7 USC 2011 to 2036~~, and health care benefits under the Badger Care health care  
2 program under s. 49.665 and, if the department of children and families contracts  
3 with the department of health services under sub. (4), on the part of recipients of aid  
4 to families with dependent children under s. 49.19, supplemental security income  
5 payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children  
6 of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,  
7 recipients of benefits under the supplemental nutrition assistance program under 7  
8 USC 2011 to 2036, and participants in the Wisconsin Works program under ss.  
9 49.141 to 49.161. The activities of the department of health services under this  
10 subsection may include comparisons of information provided to the department by  
11 an applicant and information provided by the applicant to other federal, state, and  
12 local agencies, development of an advisory welfare investigation prosecution  
13 standard, and provision of funds to county departments under ss. 46.215, 46.22, and  
14 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The  
15 department of health services shall cooperate with district attorneys regarding fraud  
16 prosecutions.

\*\*\*\*NOTE: This is reconciled s. 49.845 (1). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1

autoref  
9 17 **SECTION 9.** 49.845 (2) of the statutes, as affected by 2011 Wisconsin Act .... (this  
18 act), is amended to read:

19 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health  
20 services shall conduct activities to reduce payment errors in the Medical Assistance  
21 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, and  
22 the Badger Care health care program under s. 49.665 and, if the department of  
23 children and families contracts with the department of health services under sub. (4),

1 in the supplemental security income payments program under s. 49.39, the program  
2 providing payments for the support of children of supplemental security income  
3 recipients under s. 49.395, ~~and~~ Wisconsin Works under ss. 49.141 to 49.161, and the  
4 supplemental nutrition assistance program under 7 USC 2011 to 2036. ② ← scored comma

\*\*\*\*NOTE: This is reconciled s. 49.845 (2). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

*autoref*  
10 5 **SECTION 10** 49.845 (4) (title) of the statutes, as affected by 2011 Wisconsin Act  
6 .... (this act), is amended to read:

7 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY  
8 INCOME, ~~AND~~ CARETAKER SUPPLEMENT, AND THE SUPPLEMENTAL NUTRITION ASSISTANCE  
9 PROGRAM.

\*\*\*\*NOTE: This is reconciled s. 49.845 (4) (title). This SECTION has been affected by drafts with the following LRB numbers: 1019/4 and 1195/1

*autoref*  
11 10 **SECTION 11** 49.845 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act  
11 .... (this act), is amended to read:

12 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of  
13 children and families may contract with the department of health services to  
14 investigate suspected fraudulent activity on the part of recipients of aid to families  
15 with dependent children under s. 49.19, recipients of supplemental security income  
16 payments under s. 49.39, recipients of payments for the support of children of  
17 supplemental security income recipients under s. 49.395, recipients of benefits under  
18 the supplemental nutrition assistance program under 7 USC 2011 to 2036, and  
19 participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities  
20 to reduce payment errors in the supplemental security income payments program  
21 under s. 49.39, the program providing payments for the support of children of  
22 supplemental security income recipients under s. 49.395, the supplemental



1 nutrition assistance program under 7 USC 2011 to 2036, and Wisconsin Works under  
2 ss. 49.141 to 49.161, as provided in this section. If any employee of the department  
3 of health services reasonably suspects that fraudulent activity as described in this  
4 subdivision has occurred or is occurring, the employee shall immediately report the  
5 facts and circumstances contributing to that suspicion to the employee's immediate  
6 supervisor.

\*\*\*\*NOTE: This is reconciled s. 49.845 (4) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 27-21**

**INSERT 30-10**

\*\*\*\*NOTE: This is reconciled s. 49.847 (3). This SECTION has been affected by drafts  
with the following LRB numbers: 1019/4 and 1195/1

**END INSERT 30-10**

**INSERT 35-15**

*author's* 12  
7 **SECTION 12.** 238. 30 (4m), as affected by 2011 Wisconsin Act ... (this act), of the  
8 statutes is amended to read:

9 238.30 (4m) "Member of a targeted group" means a person who resides in an  
10 area designated by the federal government as an economic revitalization area, a  
11 person who is employed in an unsubsidized job but meets the eligibility requirements  
12 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who  
13 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay  
14 project position under s. 49.147 (3m), a person who is eligible for child care assistance  
15 under s. 49.155, a person who is a vocational rehabilitation referral, an economically  
16 disadvantaged youth, an economically disadvantaged veteran, a supplemental  
17 security income recipient, a general assistance recipient, an economically

1 disadvantaged ex-convict, a dislocated worker, as defined in 29 USC 2801 (9), or a  
2 ~~food stamp~~ recipient of benefits under the supplemental nutrition assistance  
3 program under 7 USC 2011 to 2036, if the person has been certified in the manner  
4 under 26 USC 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51  
5 (d) (12).

\*\*\*\*NOTE: This is reconciled s. 238.30 (4m). This SECTION has been affected by  
drafts with the following LRB numbers: 1465/P3 and 1195/1

**END INSERT 35-15**

**INSERT 40-12**

\*\*\*\*NOTE: This is reconciled SECTION 9421 (1). This SECTION has been affected by  
drafts with the following LRB numbers: 1019/4 and 1195/1 and 1465/p3

**END INSERT 40-12**

use a.r. ☒

0151/1

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1195/2dn

FFK:/:....

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- late -

To Marta:

This draft reconciles LRB-0151/1, LRB-1019/4, LRB-1195/1 and LRB-1465/P3. All of these drafts should continue to appear in the compiled bill.

The initial treatment<sup>s</sup> of ss. 20.435 (4) (bn), (L), (nn), 46.283 (3) (k), 46.685 (5) (br) 5., 49.197 (1m), (3), (4), and (5), 49.79 (3)(a), (b), and (c), (4), (8), and (9) (a) 1., 49.793 (1) and (2), 49.795 (1) (e) 1. and 2., and (8) (d) 2., 49.845 (1), (2), and (4) (title) and (a) 1., and 49.847 (3) are in LRB-1019/4.

The initial treatment of s. 238.30 (4m) is in LRB-1465/P3.

Fern Knepp  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: fern.knepp@legis.wisconsin.gov

⑨ The initial treatment of s. 49.79(8) is in  
LRB-0151/1.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1195/2dn  
FFK:cjs:jf

February 21, 2011

To Marta:

This draft reconciles LRB-0151/1, LRB-1019/4, LRB-1195/1 and LRB-1465/P3. All of these drafts should continue to appear in the compiled bill.

The initial treatments of ss. 20.435 (4) (bn), (L), (nn), 46.283 (3) (k), 46.685 (5) (br) 5., 49.197 (1m), (3), (4), and (5), 49.79 (3) (a), (b), and (c), (4), and (9) (a) 1., 49.793 (1) and (2), 49.795 (1) (e) 1. and 2. and (8) (d) 2., 49.845 (1), (2), and (4) (title) and (a) 1., and 49.847 (3) are in LRB-1019/4.

The initial treatment of s. 238.30 (4m) is in LRB-1465/P3.

The initial treatment of s. 49.79 (8) is in LRB-0151/1.

Fern Knepp  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: fern.knepp@legis.wisconsin.gov